REMARKS

Claims 1-20 were pending in this application.

Claims 1-20 have been rejected.

Claims 1, 8, 9, 17, and 19 have been amended as shown above.

Claims 1-20 remain pending in this application.

Reconsideration and full allowance of Claims 1-20 are respectfully requested.

I. REJECTIONS UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1, 2, 5, 6, 8-11, 14, 15, and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,559,480 to Nobs ("*Nobs*") in view of U.S. Patent No. 6,535,186 to Havel ("*Havel*"). The Office Action rejects Claims 7 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Nobs* and *Havel* in further view of U.S. Patent No. 5,278,545 to Streck ("*Streck*"). The Office Action rejects Claims 3, 4, 12, and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Nobs* and *Havel* in further view of U.S. Patent No. 5,122,791 to Gibbons ("*Gibbons*"). These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness

is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

Claims 1, 9, and 19 recite a "light-emitting panel" in an "illumination system" capable of providing light to a "display device" that includes a "pattern of pixels." Claims 8 and 17 recite a "pattern of pixels" in a "display device" capable of receiving light from a "light-emitting panel" in an "illumination system." The Office Action fails to identify how *Nobs* and *Havel* disclose, teach, or suggest both an "illumination system" and a distinct "display device."

Nobs recites a color matrix display that includes pixels arranged in rows and columns. (*Abstract*). Each pixel includes one or multiple fluorescent tubes. (*Col. 3, Lines 32-36; Col. 4, Lines 4-5*).

The fluorescent tubes of *Nobs* may produce light. However, that light is never provided to or received by a "display device" that comprises a "pattern of pixels." Instead, the light is simply transmitted to people viewing the tubes, such as to a crowd of people at a sports stadium. (*Abstract*). While the fluorescent tubes of *Nobs* may form pixels, the light from the fluorescent tubes is never provided to or received by a display device having a pattern of pixels. As a result, *Nobs* fails to disclose, teach, or suggest all elements of Claims 1, 8, 9, 17, and 19.

Havel recites a multicolor display element that includes a plurality of "display areas." (*Abstract*). Each "display area" includes three light-emitting diodes. (*Abstract*). Light from the three light-emitting diodes is mixed in a "transparent material" (element 16), and a composite light signal emerges from the transparent material. (*Col. 4, Lines 58-67*).

The light-emitting diodes of *Havel* may produce light that is mixed. However, that light is never provided to or received by a "display device" that comprises a "pattern of pixels." Instead, the light is simply transmitted to people viewing the "display areas." For example, the display areas are arranged to display digits (such as '7') to viewers. (*Col. 3, Line 62 – Col. 4, Line 9*). The light-emitting diodes never produce light that is provided to or received by a display device. As a result, *Havel* also fails to disclose, teach, or suggest all elements of Claims 1, 8, 9, 17, and 19.

Because *Nobs* and *Havel* both fail to disclose, teach, or suggest all elements of the claims, the proposed *Nobs–Havel* combination also fails to disclose, teach, or suggest all elements of the claims.

As a result, Claims 1, 8, 9, 17, and 19 (and their dependent claims) are patentable over the proposed *Nobs–Havel* combination. Accordingly, the Applicants respectfully request withdrawal of the § 103 rejection and full allowance of Claims 1-20.

II. CONCLUSION

For the reasons given above, the Applicants respectfully request reconsideration and full allowance of all pending claims and that this application be passed to issue.

SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com.*

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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